

REMARKS

I. Status of the Application

Claims 1-37 are presently pending in the application. Claims 3-5 and 11 and 12 have been amended to address formal matters. Claim 2 has been cancelled without prejudice to the filing of any appropriate continuation applications. Applicant gratefully acknowledges that the rejection of claims 1-12, 15-24 and 29-37 under 35 U.S.C. §103(a) as being unpatentable over Dunn et al., U.S. Patent No. 4,655,777, has been withdrawn.

Applicant gratefully acknowledges that, at page 3, section 7 of the instant Office Action, claims 6-12, 21, 22, 24-28 and 32 have been indicated to be allowed. Applicants note, however, that at the Office Action Summary, claims 6-14, 21, 22 and 24-28 have been indicated allowed, that at page 3, section 7 of the instant Office Action, the Examiner states that the text set forth in claim 13 (i.e., "The prior art does not provide for a sintered scaffold material comprising glass or ceramic fibers, wherein the glass fibers comprise bioactive glass having a composition of about 53 to about 60 wt% SiO₂, about 0 to about 34 wt% Na₂O, about 1 to about 20 wt% K₂O, about 0 to about 5 wt% MgO, about 5 to about 25 wt% CaO, about 0 to about 4 wt% B₂O₃, about 0.5 to about 6 wt% P₂O₅, wherein Na₂O in combination with K₂O is present in an amount between about 16 to about 35 wt%; K₂O in combination with MgO is present in an amount between about 5 to about 20 wt% and MgO in combination with CaO is present in an amount between about 10 to about 25 wt%") is not taught by the prior art, and that claims 13 and 14 do not stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scheicher, U.S. Patent No. 4,278,630. Accordingly, Applicant respectfully submits that claims 6-14, 21, 22 and 24-28 should be indicated allowed.

Applicant gratefully acknowledges that claims 2-5, 17, 18, 23, 31, 33 and 37 have been indicated allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended claim 1 to incorporate the limitations of claim 2, namely bioactive glass fibers, and has cancelled claim 2. Claims 3-5, 23 and 31 depend from amended claim 1 and claims 17, 18, 33 and 37 depend from amended claim 1 or allowed claim 6. Accordingly, Applicant respectfully submits that claims 1, 3-5, 17, 18, 23, 31, 33 and 37 are now in allowable form.

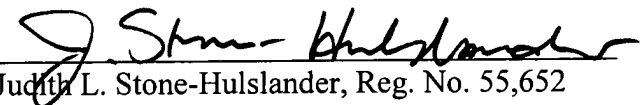
Claims 1, 15, 16, 19, 20, 29, 30 and 34-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scheicher, U.S. Patent No. 4,278,630. Without acquiescing to the rejection, Applicant has amended claim 1 to include the limitations of claim 2, which has been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, amended claim 1 should be allowable over the cited art. As claims 15, 16, 19, 20, 29, 30 and 34-36 depend from amended claim 1 or allowed claim 6, Applicant respectfully submits that these claims are nonobvious over Scheicher. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 15, 16, 19, 20, 29, 30 and 34-36 under 35 U.S.C. §103(a).

II. CONCLUSION

Having addressed all outstanding issues, Applicant respectfully requests entry and consideration of the foregoing amendments and reconsideration and allowance of the case. To the extent the Examiner believes that it would facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the number below.

Respectfully submitted,

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